

## STATEMENT OF THE CASE

*Summary* : When the defendants made known their intent to precipitately “discharge” the plaintiff from the elected office of president of Southside Neighborhood Organization, Green initiated this civil action. After a Rule 59 hearing, the trial court reaffirmed its *Final Decree* granting declaratory and injunctive relief to the defendants. Green has appealed.

Plaintiff/appellant [“Green”] was elected to the definite two year term 2011-2013 as president of Southside Neighborhood Organization. Defendants/appellees claim to have summarily removed Green from office and membership.

On 23 June 2011 a verified *Complaint* for a declaratory judgment and a verified *Petition for Restraining Order* were filed by Green *pro se*, with *Summons* being issued for each defendant. Every defendant was personally served. On 27 June 2011 (please see reference in 5 July 2011 *Response*, R 60-61, ¶11; R37; R142, ¶3), absent any contact with Green, the Hon. Thomas Seeley considered Green’s *Amended Petition for Restraining Order*, placing in the record the reasons for denial.

The defendants filed an *Answer* as well as a *Motion to Dismiss* incorporating three affidavits, to which Green objected in his timely response. On 5 July 2011 Green filed a *Motion for Supplemental Pleadings* and a *Motion for Temporary Injunction* and *Motion to Quash*. Thomas Jessee, Esq. became attorney for the plaintiff on or about 6 July 2011. An *Order* dismissed defendant Howell Sherrod from this civil action on 11 July 2011. On 26 July 2011, through their attorney Howell Sherrod the remaining defendants asserted a < \$150,000 counterclaim in their reiterated *Answer* and *Motion to Dismiss*.

On 9 August 2011, Mr. Sherrod presented the defendants’ *Motion to Dismiss* along with its three attached affidavits. Mr. Jessee presented opposition to the *Motion to Dismiss*. No witnesses were sworn. The Hon. G. Richard Johnson reviewed the file, dismissed the civil

action, declared that defendant Jodi Jones was the rightful President of Southside Neighborhood Organization, and accepted the draft *Final Decree* offered by Mr. Sherrod.

At 3:30 PM on 9 August 2011 the *Final Decree* signed by the Chancellor and Mr. Sherrod was entered. At approximately 3:43 PM on 9 August 2011 without any cover sheet or instructions a single page titled "SNO STUFF ..." was received by the Clerk's office from Mr. Sherrod's office by facsimile transmission, and was entered in the file (R88) as an attachment to the *Final Decree*. There is one 3:30 PM certificate of service (R87).

After complying with the *Final Decree*'s mandatory injunction, Green filed a timely *Motion to Alter or Amend*. The motion was heard in open court by the Hon. G. Richard Johnson on 2 November 2011. Green called the court's attention to his *Motion to Consider Unopposed* filed at 4:30pm 1 November 2011. An *Order* reaffirming the *Final Decree* was entered on 4 November 2011. On 15 November 2011, an order allowing Thomas Jessee, Esq. to withdraw as counsel for Green was entered. *Notice of Appeal* was filed by Green on 5 December 2011. On the same day Green designated the record on appeal, filed the verbatim transcript for the Rule 59 hearing, and filed the statement of the evidence for 9 August 2011 / *Final Decree*. The Record was received on 19 January 2012 and was filed in the Court of Appeals on 10 February 2012. Appellant's brief was mailed on \_\_\_\_\_ by U.S. Postal Service for certified delivery and filed on \_\_\_\_\_.